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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Katsuhisa SATOH

Serial No.: 10/031,399

Group Art Unit: 2311

Filed: January 18, 2002

Examiner: CHEN, TIANJIE

For: **DISK PLAYER**

Box Petitions

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450

Adjustment date: 01/12/2010 GARIAS
10/16/2009 RMEBRAHT 00000016 500481 10031399
01 FC:1462 400.00 CR

PETITION FOR DUPLICATE LETTERS PATENT

Sir:

Applicant hereby requests duplicate letters patent for the above Application.

Applicant submits that the first letters patent was not received by Applicant's representatives.

In particular, Applicant submits that the USPTO's own error caused the letters patent to be mailed to a wrong address and that therefore no fees are due.

On February 24, 2006, a Notice of Allowance was issued. See Exhibit 1. The Issue Fee was timely filed on May 19, 2006. In paying the issue fee, Applicant's representative, McGinn IP Law Group, was clearly indicated. See Exhibit 2. However, in a June 5, 2006 communication from the USPTO, Application 10/031,399 was erroneously referred to in a communication regarding a different application. As a result, the correspondence address of the present application was improperly and without authorization changed to "General Electric Co." of Pittsfield, MA. That is, the USPTO erroneously conflated the present Application with another application, Application Serial No. 11/031,399. See Exhibit 3.

On July 7, 2006, Applicant contacted the USPTO regarding this error. However, by

10/16/2009 RMEBRAHT 00000016 500481 10031399
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Application No. 10/855,511
Docket No. NEC-562-US

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this time, it appears that the original letters patent were sent to the "General Electric Co." address. Applicant has also filed numerous submissions to the USPTO attempting to inquire of the location of the letters patent and has not received any reply from the USPTO (as shown on the USPTO PAIR website). That is, Applicant filed requests for status on August 17, 2009, July 15, 2008, and January 22, 2008. *See e.g.* Exhibit 4 where the PAIR screen shot of October 14, 2009 Web-page shows no response to Applicant's numerous requests.

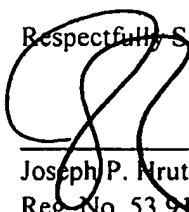
Therefore, Applicant has not received the letters patent only from the USPTO's error and not from any action taken by Applicant. Nor has the USPTO responded to Applicant's previous communications. Therefore, Applicant submits that no fee is due at this time.

In addition, Applicant hereby authorizes the USPTO to charge the fee required under 37 C.F.R. §1.182 of \$400 should it be necessary.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: October 15, 2009



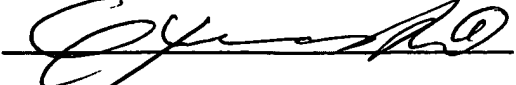
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Enclosures:

Exhibits 1-4

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: 01/07/10		2 Serial/Patent # 10/031,399									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
<input type="checkbox"/>	Filing			\$							
<input type="checkbox"/>	Amendment			\$							
<input type="checkbox"/>	Extension of Time			\$							
<input type="checkbox"/>	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	PET.OP	10/15/09	\$ 400.00							
<input type="checkbox"/>	Issue			\$							
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$							
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		7 TOTAL AMOUNT OF REFUND		\$ 400.00							
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10 REASON:		Treasury Check									
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<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
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11 REFUND REQUESTED BY:											
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